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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

NORMA MADRIGAL,

Case No. 1:15-cv-00809-SAB

Plaintiff,

**ORDER GRANTING DEFENDANT  
BARRETT DAFFIN FRAPPIER TREDER  
& WEISS, LLP'S REQUEST TO BE  
EXCUSED FROM MAY 26, 2016  
SETTLEMENT CONFERENCE**

v.

NATIONSTAR MORTGAGE LLC,  
BARRETT DAFFIN FRAPPIER TREDER &  
WEISS, LLP, and DOES 1 through 50,  
inclusive,

Defendants.

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On August 4, 2015, Plaintiff Norma Madrigal (“Plaintiff”) filed a Second Amended Complaint, which is the operative pleading in this matter. (Doc. 23.) Plaintiff alleges four causes of action: 1) breach of contract, 2) breach of the covenant of good faith and fair dealing, 3) violation of California Business and Professions Code § 17200, and 4) declaratory and injunctive relief involving the foreclosure of a Deed of Trust recorded against real property located at 2433 N. Oak Park Court, Visalia, CA 93291. (Doc. 23.) Plaintiff alleges that the foreclosure was improperly initiated because she had made all the payments under the loan for the property. Plaintiff’s fourth cause of action, for declaratory and injunctive relief, is the only claim brought against Defendant Barrett Daffin Frappier Treder & Weiss, LLP (“BDFTW”), the foreclosure

1 trustee. (Doc. 23.) The other three causes of action are bought against only Defendant Nationstar  
2 Mortgage, LLC (“Nationstar”), the servicer of the loan, and Does 1 through 50. (Doc. 23.)

3 Due to the fact that the only relief sought against Defendant BDFTW is non-monetary  
4 relief, Plaintiff and Defendant BDFTW entered into a Stipulation re: Non-Monetary Status of  
5 Barrett Daffin Frappier Treder & Weiss LLP, which was filed with the Court on September 8,  
6 2015. (Doc. 28.) The Court entered the Order re: Non-Monetary Status on September 9, 2015,  
7 which provided that Defendant BDFTW “shall be deemed a nominal party to this action, shall not  
8 be required to actively participate in further proceedings in the action and shall be treated as a  
9 nonparty for discovery purposes.” (Doc. 30.)

10 In view of the Court’s Order deeming Defendant BDFTW a nominal party and excusing it  
11 from participating in further proceedings in this action, it is hereby ORDERED that Defendant  
12 BDFTW is excused from appearing at and participating in the Settlement Conference before  
13 Magistrate Judge Sheila K. Oberto on May 26, 2016, at 10:00 a.m. at the U.S. District Court, 2500  
14 Tulare Street, Fresno, California, 93721.

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16 IT IS SO ORDERED.

17 Dated: May 24, 2016

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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